

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

KINGSLEY ARIEGWE,

Petitioner,

vs.

PETE BLUDWORTH; ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Respondents.

CV 22-34-GF-BMM-JTJ

**ORDER ADOPTING MAGISTRATE
JUDGE’S FINDINGS AND
RECOMMENDATIONS**

Pro se Petitioner Kingsley Ariegwe applied for a writ of habeas corpus under 28 U.S.C. § 2254. (Doc. 1.) Mr. Ariegwe seeks to challenge his 2004 conviction and raises eight separate claims. (Doc. 1); *see also* (Doc. 2 at 9–10.)

Judge Johnston issued Findings and Recommendations on April 4, 2022. (Doc. 5.) Judge Johnston recommends that the Court should dismiss Mr. Ariegwe’s petition for lack of jurisdiction. (*Id.* at 5.) Ariegwe filed an objection to Judge Johnston’s Findings and Recommendations on April 12, 2022. (Doc. 7.)

The Court reviews de novo those Findings and Recommendations to which a party timely objected. 28 U.S.C. § 636(b)(1). The Court reviews for clear error the

portions of the Findings and Recommendations to which the party did not specifically object. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Where a party's objections constitute perfunctory responses argued in an attempt to engage the district court in a reargument of the same arguments set forth in the original response, however, the Court will review the applicable portions of the findings and recommendations for clear error. *Rosling v. Kirkegard*, 2014 WL 693315 *3 (D. Mont. Feb. 21, 2014) (internal citations omitted).

Mr. Ariegwe's objections advance the same arguments that he raised earlier. The Court will not engage in Mr. Ariegwe's attempt to reargue the same issues. The Court reviewed Judge Johnston's Findings and Recommendations for clear error. The Court finds no error. The Court lacks jurisdiction to consider Mr. Ariegwe's latest challenges to his 2004 conviction unless and until the Ninth Circuit authorize him to file a successive petition. *See Burton v. Stewart*, 549 U.S. 147, 149 (2007) (per curiam).

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 5) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Mr. Ariegwe's Petition (Doc. 1) is **DISMISSED**.

The Clerk of Court is directed to enter a judgement of dismissal.

A certificate of appealability is **DENIED**.

DATED this 4th day of August, 2022.



Brian Morris, Chief District Judge
United States District Court